

Court of Appeal, Second Appellate District, Division Seven - No. B249546

S222732

IN THE SUPREME COURT OF CALIFORNIA

En Banc

**SUPREME COURT
FILED**

DYNAMEX OPERATIONS WEST, INC., Petitioner,

DEC 28 2017

Jorge Navarrete Clerk

v.

SUPERIOR COURT OF LOS ANGELES COUNTY, Respondent; Deputy

CHARLES LEE et al., Real Parties in Interest.

The court requests the parties in this matter (and amici curiae who have filed briefs in this case, if they so choose) to file supplemental briefing addressing the following question: Is the pertinent wage order's suffer-or-permit-to-work definition of "employ" properly construed as embodying a test similar to the "ABC" test that the New Jersey Supreme Court, in *Hargrove v. Sleepy's LLC* (N.J. 2015) 106 A.3d 449, 462-465, held should be used under the New Jersey Wage and Hour Law, which also defines "employ" to include "to suffer or to permit to work" (N.J. Stat. § 34:11-56a1)?

The parties (and amici, if they so choose) are to serve and file simultaneous supplemental letter briefs on or before Wednesday, January 17, 2018, and serve and file simultaneous reply letter briefs on or before Wednesday, January 24, 2018. No extension of time is contemplated.

CANTIL-SAKAUYE

Chief Justice